



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

Tuchman Cleaners
Site # 1991.02.503
Enforcement

May 5, 2004

VIA CERTIFIED U.S. MAIL: 7002 0510 0004 0410 0619

Mr. Randy Jackson
National Drycleaners, Inc.
4510 W. 63rd Terrace
Prairie Village, KS 66208

Re: Special Notice of Liability and
Requirement for
Interim Response Actions
Tuchman Cleaners
4401 N. Keystone Avenue
Indianapolis, IN/Marion County

Dear Mr. Jackson:

This letter notifies you of the liability that National Drycleaners Incorporated has incurred with respect to the above-captioned site ("Site"), as established by Indiana Code ("IC") § 13-25-4-8(a) and § 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 United States Code ("U.S.C.") § 9607(a)) ("CERCLA") and Indiana Code ("IC") § 13-24-1-4(a). This letter also notifies you of the requirement that interim response activities be performed at the Site.

I. SPECIAL NOTICE OF POTENTIAL LIABILITY

The Indiana Department of Environmental Management ("IDEM") has documented the release or threatened release of hazardous substances and petroleum pollutants at the Site. IDEM has spent public funds on actions to investigate such releases or threatened releases at the Site.

Under IC § 13-25-4-9(a)-(b), § 107(a) of CERCLA (42 U.S.C. § 9607(a)), IC § 13-24-1-1(a), and other laws, responsible parties may be ordered to perform response actions deemed necessary by IDEM to protect the public health, welfare or the environment, and are liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation/Feasibility Study (RI/FS), conducting a Remedial Design/Remedial Action (RD/RA), and other investigation, planning, response oversight, and enforcement activities. In addition, responsible parties may be required to pay for damages for injury to, destruction of or loss of natural resources, including the cost of assessing such damages.

IDEM has evaluated information submitted by URS Incorporated (URS) on behalf of National Dry Cleaners Incorporated (National Drycleaners), doing business as Tuchman Cleaners. Based on this information, IDEM has determined that National Drycleaners is a responsible party ("RP") with respect to this Site. Responsible parties under CERCLA include current and former owners and operators of a site, persons who arranged for disposal or treatment of hazardous substances sent to a site, and persons who accepted hazardous substances for transport to a site. See 42 USC § 9607(a); IC § 13-25-4-8(a). Specifically, IDEM has identified National Drycleaners as a current owner and/or operator of the Site.

By this letter, IDEM notifies you of National Drycleaners's liability with regard to this matter and encourages National Drycleaners to voluntarily perform or finance those response activities that IDEM determines are necessary at the Site. In accordance with CERCLA, IC § 13-25-4, IC § 13-24-1, and other authorities, IDEM has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include review of subsurface investigation reports and work plans, providing oversight during field activities, meetings, telephone calls, and fulfilling public document requests. IDEM may expend additional funds for response activities at the Site under the authority of CERCLA, IC § 13-25-4, IC § 13-24-1, or other laws.

Demand For Costs Incurred. IDEM previously issued invoice #000017214 to Tuchman Cleaners in the amount of \$13,228.01, to cover expenses for State of Indiana personnel time and effort from December 2000 through June 18, 2003. This invoice was paid in full on December 29, 2003. Invoice #000024303, covering the time frame of June 19 through September 3, 2003, was issued in April 2004, in the amount of \$4,151.25. This invoice has not yet been paid. IDEM anticipates expending additional funds for response and oversight activities, which may include implementing a remedial action or oversight of a remedial action. Whether IDEM funds the response action or incurs costs by overseeing the parties conducting the response activities, National Drycleaners is responsible for all costs incurred by IDEM.

II. REQUIREMENT OF INTERIM SITE RESPONSE ACTIVITIES

In order to abate the imminent and substantial threat to human health and the environment posed by the chlorinated solvent plume at and around the Site, IDEM is requiring the performance of the following activities:

1. providing an alternative water supply for all residents¹ with water supplies impacted with contaminants in excess of the established Maximum Contaminant Levels, as identified by IDEM or future investigations, within 10 days of discovery, and;
2. further investigation of private and public water supplies that may be impacted by chlorinated solvents emanating from the Site. Preliminary off-site investigation analytical results indicate significant impacts to the shallow aquifer off-site, including along Clay Street, located adjacent to the Indianapolis Water Company facility. Additional investigation is necessary to determine if contamination extends onto the IWC property. Permanent monitoring wells are necessary at off-site locations that indicated

¹ A residential drinking water well located at 2035 E. 43rd Street was sampled by IDEM and Marion County Health Department in March and April 2004. The sample results are pending.

detections of chlorinated solvents. A work plan addressing these issues must be submitted to IDEM within 45 calendar days following receipt of this letter.

3. Coordination of additional hydraulic testing with the IWC, including production well FC-17.

In addition to the Interim Site Response Activities described above, IDEM will require the following activities to be undertaken by the RPs:

1. submittal of the *Phase II Remedial Investigation Report* by May 14, 2004.
2. continuation of quarterly groundwater monitoring at all monitoring wells, with reports due on July 31, October 31, January 31, and April 30 for the preceding three months.
3. additional Remedial Investigation ("RI") to further define the nature and extent of soil and groundwater contamination at and emanating from the Site, as well as to address data gaps identified during the Phase II Remedial Investigation.
4. installation of permanent off-site monitoring wells in the shallow, intermediate and deep aquifers.
5. performance of a Feasibility Study ("FS") to evaluate alternative remedial actions to remove, treat, or contain hazardous substances, pollutants, and contaminants at the Site;
6. performance of a Remedial Design and Remedial Action ("RD/RA") to design and implement the remedial action selected and approved by IDEM for the Site; and

IDEM has the discretion to negotiate a cleanup settlement with the one or more RPs or refer the Site to the U.S. EPA for cleanup. IDEM will attempt to negotiate an Agreed Order ("AO") with the RP(s). If an acceptable AO is not executed within 60 days (or a longer time, in IDEM's discretion), IDEM may undertake one or more of the following actions:

1. refer the Site to the United States Environmental Protection Agency for performance of an emergency response action and possible listing on the National Priorities List, 42 U.S.C. § 9605;
2. score the Site under the Indiana Scoring Model, 329 IAC 7, for listing on IDEM's Commissioner's Bulletin of Contaminated Sites, 329 IAC 7-2-3;
3. perform interim remedial actions such as providing alternative water supplies to impacted residents and sampling to determine the extent of contamination under IC § 13-25-4-9(b) and IC § 13-24-1-2;
4. seek an order under IC § 13-25-4-9(a) or (b) and IC § 13-24-1-1(a) compelling the PRPs to undertake appropriate interim remedial actions and complete investigation and cleanup of the Site;
5. seek the recovery of all costs incurred by the State in addressing contamination at the Site.

Failure to comply with an administrative order may result in fines and punitive damages of up to \$25,000 per day or three times the costs incurred by the State.

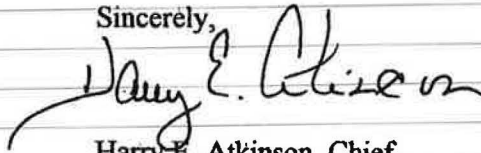
Mr. Randy Jackson
May 5, 2004
Page 4 of 4

IV. NEXT STEPS

IDEM seeks to work with National Drycleaners to ensure the completion of Interim Site Response Activities for the Site and to enter into an Agreed Order for cleanup. You are encouraged to maintain contact with the Site's Project Manager, Dawn Groves of IDEM's State Cleanup Program, at (317) 234-0434 about the Interim Site Response Activities for the Site. You may contact Dawn Groves or Meredith Gramelspacher within 30 days to indicate your willingness to participate in negotiations for an Agreed Order for cleanup at this Site. If you have any legal questions pertaining to this letter, please contact or direct your attorney to contact Meredith Gramelspacher, IDEM Office of Legal Counsel, at (317) 233-1430.

Please note that the options, legal authorities, and remedies identified in this letter are not exclusive, and IDEM reserves the right to take any action it deems necessary to protect human health and the environment. Any of the IDEM personnel identified in this letter may be reached toll-free by calling (800) 451-6027, pressing 0, and asking for that person.

Sincerely,



Harry E. Atkinson, Chief
State Cleanup Section
Office of Land Quality

DMG:tr

cc: Public File

Mr. Dennis Connair and Mr. William Eckhoff, URS, via facsimile
Ms. Meredith Gramelspacher, IDEM, Office of Legal Counsel
Ms. Dawn Groves, IDEM, State Cleanup Program, Office of Land Quality
Mr. Bruce Oertel, IDEM, Chief, Remediation Services Branch, Office of Land Quality
Mr. James Sullivan, IDEM, Chief, Groundwater Section, Office of Water Quality
Ms. Pam Thevenow, Administrator, Marion County Health Department
Mr. Ted Williams, Indianapolis Water Company/U.S. Filter